

Federal Communications Commission

DA 02-3164

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | |
| Table of Allotments, |) | |
| FM Broadcast Stations. |) | |
| (Vici, Oklahoma) |) | MB Docket No 02-205 |
| |) | RM-10470 |
| |) | |
| (Big Lake, Texas) |) | MB Docket No. 02-206 |
| |) | RM-10469 |
| |) | |
| (Leakey, Texas) |) | MB Docket No. 02-207 ✓ |
| |) | RM-10468 |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 6, 2002

Released: November 15, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein a multiple docket *Notice of Proposed Rule Makings* setting forth three separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each proposal involves adding a community to the FM Table of Allotments. The petitioner, Robert Fabian, states that he will participate in an auction and file an application for a construction permit at Vici, Big Lake and Leakey.¹ No counterproposals or additional comments have been received in response to the above-listed dockets.

A. MB Docket No. 02-205, RM-10470

Petitioner: Robert Fabian
4 Hickory Crossing lane
Argyle, Texas 76226

Determination: Allot Channel 249A at Vici, Oklahoma, as the community's first local aural transmission service.

¹ Vici, OK, Big Lake, TX and Leakey, TX, 17 FCC Rcd 15196 (MB 2002)

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r) and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 30, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below. as follows:

| Community | Channel |
|----------------|---------|
| Vici, Oklahoma | 249A |

Additional Information: Channel 249A can be allotted to Vici without a site restriction at coordinates 36-08-59 and 99-17-53. Vici is an incorporated community of over 680 people with its own local government, post office, fire department, school district and numerous churches.

FCC Contact: Kathleen Scheuerle, (202) 418-2180.

B. MB Docket No. 02-206, RM-10469

Petitioner: **Robert Fabian**
4 Hickory Crossing Lane
Argyle, Texas 76226

Determination: Allot Channel 246A at Big Lake, Texas, as the community's third local commercial FM transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective December 30, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, as follows:

| community | Channel |
|-----------------|------------------|
| Big Lake, Texas | 246A, 252A, 280A |

Additional Information: Channel 246A can be allotted to Big Lake with a site restriction 10.7 kilometers (6.6 miles) east of the community at coordinates 31-11-33 and 101-20-53. Although concurrence has been requested for the allotment of Channel 246A at Big Lake, notification has not been received. Therefore, operation with the facilities specified for Big Lake herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico. Big Lake is an incorporated community with over 3,400 people with its own local government, post office, fire department, school system and numerous churches.

FCC Contact: Kathleen Scheuerle, (202) 418-2180.

C. MB Docket No. **02-207; RM-10468**

Petitioner: Robert Fabian
4 Hickory Crossing Lane
Argyle, Texas 76226

Determination: Allot Channel 275A at Leakey, Texas, as the community's third local commercial FM Transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 30, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, as follows:

| Community | Channel |
|---------------|------------------|
| Leakey, Texas | 226A, 275A, 282A |

Additional Information: Channel 275A can be allotted to Leakey, Texas, in compliance with the Commission's spacing requirements with a site restriction 8.3 kilometers (5.1 miles) southwest of the community at coordinates **29-41-30** and **99-50-07**. Although Mexican concurrence has been requested for the allotment of Channel 275A at Leakey, notification has not been received. Therefore, operation with the facilities specified for Leakey herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico. Leakey is an incorporated community with a population of over 400 people, has its own local government, post office, volunteer fire department, school district and a number of local churches.

FCC Contact: Kathleen Scheuerle, (202) 418-2190.

2. Filing windows for Channel 2249A at Vici, Oklahoma, Channel 246A at Big Lake, Texas and Channel 275A at Leakey, Texas, will not be opened at this time. Instead the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

3. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

4. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau